

Neutral Citation No.2024:PHHC:021991

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

214

CRM-M No.65035 of 2023
Date of decision: 14.02.2024

Deepak Chugh ... Petitioner

Vs.

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. P.K.S. Phoolka, Advocate,
for the petitioner.

Mr. Satjot Singh, AAG, Punjab,
for the respondent-State.

Mr. Vikas Garg, Advocate,
for the complainant.

MANISHA BATRA, J.

1. The present petition has been filed under Section 438 of the Code of Criminal Procedure by the petitioner seeking anticipatory bail in case bearing FIR No.0333 dated 29.11.2023 registered under Section 306 of IPC at Police Station Civil Lines Bathinda, District Bathinda.
2. Mr. Vikas Garg, Advocate has filed Power of Attorney on behalf of the complainant and the same is taken on record.
3. The brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on 29.11.2023, on the basis of statement recorded by the complainant

Neutral Citation No.2024:PHHC:021991

Naresh Kumar alleging therein that his younger daughter Rajni was married with accused Tarun Chugh about 10 years back. Two daughters were born out of the wedlock. He alleged that the accused Tarun Chugh used to harass his daughter after the marriage. Several times, conversations had taken place between the family members of accused Tarun Chugh including the petitioner who is his brother and his parents qua the behaviour of Tarun Chugh but the parents of the petitioner used to say that if they did not like the behaviour of accused Tarun Chugh then they could take their daughter back to their house. Due to this fact, the daughter of the complainant had started remaining very depressed and disturbed. The accused Tarun Chugh used to extend threats to her that he would marry some other girl also and that he would throw her out of her matrimonial house. When the complainant confronted the mother of the petitioner about this fact then she disclosed that Tarun Chugh was having affair with some other girl and he would bring that girl to their house by marrying with her. On coming to know about this fact, the daughter of the complainant was in great tension. Even the petitioner- Deepak Chugh who is her brother-in-law extended threat to her to leave the house.

4. As per the further allegations, on 21.11.2023, the victim called the complainant on phone and told them that she was fed up with the behaviour of the petitioner, her husband and parents-in-law and wished to end her life. On hearing so, the complainant was scared and then on the very next day, he along with his sister Kiran and brother-in-law Vijay Sachdeva and some other relatives went to the matrimonial house of his

Neutral Citation No.2024:PHHC:021991

daughter to prevail good sense upon the members of her in-laws family. While they were making discussion, the accused Tarun Chugh started abusing his daughter and extended beatings to her in their presence and feeling unable to bear all this, his daughter jumped out from the chaubara of the house. She was immediately taken to hospital in a critical condition but died during the course of treatment. He alleged that the victim had committed suicide and the same was abetted by the present petitioner, her husband and parents-in-law. On the basis of his statement and after lodging of FIR, investigation proceedings were initiated. The investigation is going on.

5. The present petition has been filed by the petitioner on the grounds and it is argued by his counsel that he has been falsely implicated in this case. He is working in Ludhiana and has been staying there from the last five years. He has never interfered in the matrimonial life of his brother Tarun Chugh and the victim. He was not even present at the time of occurrence. No suicide note has been left by the victim. He has joined the investigation. His custodial interrogation is not required. Therefore, it is urged that he deserves to be given concession of anticipatory bail.

6. It will not be out of place to mention here that vide order dated 22.12.2023, direction was given to the petitioner to join the investigation and as per the information given by learned State counsel, he has joined the investigation on 27.12.2023. It is further argued by learned State counsel assisted by learned counsel for the complainant that since there

Neutral Citation No.2024:PHHC:021991

are serious allegations against the petitioner, therefore, he does not deserve to be given concession of pre arrest bail.

7. I have heard learned counsel for the petitioner as well as learned State counsel assisted by learned counsel for the complainant at considerable length and have gone through the record carefully.

8. The petitioner along with the co-accused who are his brother and parents respectively is alleged to have committed the offence punishable under Section 306 of IPC by abetting the suicide of his sister-in-law. The well settled proposition of law is that in case of abetment of suicide, the prosecution must show a proof of direct or indirect act of incitement to the commission of suicide by the accused. Simple allegations of harassment of the deceased by the accused does not suffice, unless there is some material on record to show that some particular action on the part of the accused had compelled the victim to commit suicide and her suicide was proximate to such offending action. In the instant case, though there are allegations that the petitioner along with his family members used to harass the victim and had even extended threat to leave her house. However, at this stage, there is nothing on record to show that there was some mens rea on his part or that he had a guilty mind and in furtherance of that state of mind, the suicide by the victim was abetted. The petitioner has been working in Ludhiana and has been staying separately from the victim and her husband. He has also joined the investigation. His custodial interrogation is no more required. As such, in my considered opinion, no useful purpose would be served by

Neutral Citation No.2024:PHHC:021991

detaining him in custody and the order of grant of bail dated 22.12.2023 deserves to be absolute. It is ordered accordingly. The present petition is allowed and the order dated 22.12.2023 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

14.02.2024	(MANISHA BATRA)
manju	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No